

## Message Text

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S E C R E T SECTION 1 OF 3 GENEVA 9669

NODIS

FOR AF - EDMONDSON FROM WISNER

E.O. 11652: XGDS-1

TAGS: PFOR RH UK

SUBJECT: RHODESIA CONFERENCE: SUGGESTED CONSTITUTIONAL  
FRAMEWORK FOR INTERIM PERIOD

REF: GENEVA 9668

1. IVOR RICHARD GAVE AMBASSADOR REINHARDT A COPY OF A REDRAFTED ANNEX C WHICH CONTAINS A PROVISION FOR ASSIGNING A BRITISH RESIDENT COMMISSIONER. AS REPORTED IN THE REFERENCE TELEGRAM, RICHARD HAS DECIDED THIS DOCUMENT WILL NOT BE ACCEPTABLE TO THE NATIONALISTS OR THE FRONT LINE PRESIDENTS AND MAY PRODUCE A GROUNDSWELL OF OPPOSITION SO FORCEFUL THAT CONVINCING THE NATIONALISTS TO SETTLE ON A GREATER DEGREE OF BRITISH RESPONSIBILITY WILL BECOME IMPOSSIBLE.

2. RICHARD DOES NOT PLAN, THEREFORE, TO TABLE THIS PAPER. SINCE HE MAY NOT HAVE SUBMITTED IT TO LONDON, IT SHOULD BE HANDLED WITH CARE.

BEGIN TEXT:

INTRODUCTION

1. THIS PAPER DESCRIBES A POSSIBLE CONSTITUTIONAL STRUCTURE

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FOR THE INTERIM ADMINISTRATION OF RHODESIA AND ALSO SUGGESTS

POSSIBLE WAYS OF DEALING WITH VARIOUS RELATED PROBLEMS. THE PAPER IS PUT FORWARD FOR DISCUSSION PURPOSES ONLY AT THIS STAGE AND IN A NUMBER OF CASES IT SPECIFICALLY INDICATES THAT THE ARRANGEMENTS SUGGESTED ARE MERELY ILLUSTRATIVE.

2. IT IS ENVISAGED THAT THE NEW CONSTITUTIONAL STRUCTURE WITH WHICH RHODESIA HAS HITHERTO BEEN FAMILIAR (I.E., AN ELECTED LEGISLATIVE CHAMBER; A MINISTERIAL GOVERNMENT DRAWN FROM, AND RESPONSIBLE TO, THE LEGISLATIVE CHAMBER; AND A FORMAL HEAD OF THE EXECUTIVE, REPRESENTING THE BRITISH CROWN, WHO WAS SEPARATE FROM, THOUGH WORKING THROUGH, BOTH THE LEGISLATIVE CHAMBER AND THE MINISTERIAL GOVERNMENT) MIGHT BE REPLACED BY A SYSTEM UNDER WHICH THERE WOULD BE TWO BODIES (A PRIVY COUNCIL AND A COUNCIL OF MINISTERS) WHICH WOULD SHARE BETWEEN THEM THE WHOLE OF THE EXECUTIVE AND LEGISLATIVE FUNCTIONS OF THE TRANSITIONAL GOVERNMENT AND ONE OF WHICH (THE PRIVY COUNCIL) WOULD BE PRESIDED OVER BY A REPRESENTATIVE OF THE BRITISH GOVERNMENT. BOTH THE AFRICAN AND THE EUROPEAN COMMUNITIES WOULD BE REPRESENTED ON THESE TWO BODIES IN AGREED PROPORTIONS (NOT NECESSARILY THE SAME FOR BOTH BODIES) AND THE TWO BODIES WOULD HAVE COMPLEMENTARY POWERS AND FUNCTIONS. THE BRITISH CHAIRMAN OF THE PRIVY COUNCIL WOULD HAVE CERTAIN SPECIFIC FUNCTIONS ALLOCATED TO HIM IN ADDITION TO THE FUNCTION OF PRESIDING OVER THAT COUNCIL.

#### PRIVY COUNCIL

3. THE PRIVY COUNCIL MIGHT CONSIST OF A SMALL NUMBER OF MEMBERS (PERHAPS 6 TO 8) WHO WOULD INCLUDE THE LEADING REPRESENTATIVES OF THE MAIN STRANDS OF POLITICAL OPINION IN RHODESIA. SAVE AS IT SPECIFICALLY INDICATED ELSEWHERE IN THIS PAPER, THE BRITISH CHAIRMAN OF THE PRIVY COUNCIL WOULD HAVE NO VOTE IN ITS DECISIONS. HIS PRINCIPAL FUNCTION WOULD BE TO PRESIDE OVER ITS DELIBERATIONS AND, WHERE FUNCTIONS WERE VESTED IN HIM BY ANY LAW, IN HIS CAPACITY AS CHAIRMAN OF THE PRIVY COUNCIL, HE WOULD IN GENERAL EXERCISE THEM AS DIRECTED BY THE COUNCIL. HOWEVER, THERE WOULD BE CERTAIN FUNCTIONS, SPECIFICALLY REFERRED TO ELSEWHERE IN THIS PAPER, WHICH HE WOULD EXERCISE IN HIS DISCRETION.

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4. IT IS SUGGESTED THAT THE AFRICAN MEMBERS OF THE PRIVY COUNCIL SHOULD BE CHOSEN BY THE AFRICAN COMMUNITY AND THE EUROPEAN MEMBERS BY THE EUROPEAN COMMUNITY, WITH NEITHER COMMUNITY HAVING ANY VETO ON THE CHOICE OF THE OTHER. HOWEVER, A FURTHER POSSIBILITY MIGHT BE TO HAVE ONE EUROPEAN MEMBER CHOSEN BY THE AFRICANS AND ONE AFRICAN MEMBER CHOSEN BY THE EUROPEANS.

5. SINCE IT WOULD NOT BE POSSIBLE, IN THE TIME AVAILABLE AND IN THE CIRCUMSTANCES NOW OBTAINING IN RHODESIA, TO DEVISE ACCEPTABLE ELECTION MACHINERY FOR THE PURPOSE OF SELECTING THE FIRST MEMBERS OF THE PRIVY COUNCIL, IT WOULD BE NECESSARY FOR THAT INITIAL SELECTION TO BE AGREED UPON AT THE PRESENT CONFERENCE. THE PERSONS THUS CHOSEN COULD THEN BE SPECIFICALLY NOMINATED IN THE INSTRUMENT WHICH WILL ESTABLISH THE TRANSITIONAL GOVERNMENT.

6. THE INSTRUMENT ESTABLISHING THE TRANSITIONAL GOVERNMENT WOULD, HOWEVER, HAVE TO CONTAIN PROVISIONS DEALING WITH THE TENURE OF OFFICE OF MEMBERS OF THE PRIVY COUNCIL AND WITH THE FILLING OF CASUAL VACANCIES. SINCE THE TRANSITIONAL GOVERNMENT IS TO LAST ONLY FOR A SHORT PERIOD BEFORE FULL INDEPENDENCE IS ACHIEVED, IT IS SUGGESTED THAT NO FIXED TERM SHOULD BE SET TO THE TENURE OF OFFICE OF A MEMBER OF THE PRIVY COUNCIL. MOREOVER, HE SHOULD NOT BE REMOVABLE DURING THE LIFE OF THE TRANSITIONAL GOVERNMENT EXCEPT FOR INABILITY TO DISCHARGE HIS OFFICIAL FUNCTIONS (E.G. BECAUSE OF HIS SICKNESS OR OTHER INCAPACITY) AND THEN ONLY BY THE UNANIMOUS DECISION OF HIS COLLEAGUES ON THE COUNCIL. BUT A MEMBER COULD, OF COURSE, ALWAYS RESIGN. TO COVER THE POSSIBILITY THAT A CASUAL VACANCY MIGHT OCCUR IN THIS WAY (I.E. BY INCAPACITY OR RESIGNATION) IT IS SUGGESTED THAT THE INSTRUMENT MIGHT PROVIDE THAT IT SHOULD BE FILLED BY CO-OPTION BY THE COUNCIL ITSELF.

7. IT MIGHT BE NECESSARY TO PRESCRIBE A SPECIAL MAJORITY FOR THE TAKING OF A DECISION TO CO-OPT A NEW MEMBER AND IT WOULD OF COURSE BE NECESSARY TO STIPULATE THAT THE NEW MEMBER SHOULD COME FROM THE SAME COMMUNITY AS THE DEPARTING MEMBER WHOM HE WAS TO REPLACE. IF IT WAS DESIRED TO ADOPT THE SUGGESTION THAT ONE MEMBER REPRESENTING EACH COMMUNITY SHOULD BE CHOSEN BY THE OTHER COMMUNITY (SEE PARAGRAPH 4 ABOVE), THEN THE CO-OPTION OF

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A NEW MEMBER TO FILL A CASUAL VACANCY IN THAT CASE WOULD HAVE TO BE MADE A MATTER SOLELY FOR THE MEMBERS OF THE COUNCIL REPRESENTING THE COMMUNITY WHICH ORIGINALLY CHOSE THE DEPARTING MEMBER.

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NODIS

FOR AF - EDMONDSON FROM WISNER

8. THE INSTRUMENT ESTABLISHING THE TRANSITIONAL GOVERNMENT WOULD PROBABLY HAVE TO PRESCRIBE A QUORUM (SAY TWO-THIRDS OF ALL THE MEMBERS) FOR MEETINGS OF THE PRIVY COUNCIL AND FOR THE TRANSACTION OF BUSINESS BY IT. THE PRIVY COUNCIL WOULD USUALLY TAKE ITS DECISIONS BY CONSENSUS. HOWEVER, THERE MIGHT BE BASES WHERE CONSENSUS COULD NOT BE OBTAINED AND THE COUNCIL WOULD HAVE TO RESORT TO VOTING. IN SUCH CASES THE USUAL REQUIREMENT MIGHT BE THAT A DECISION SHOULD BE SUPPORTED BY SOMETHING MORE THAN A SIMPLE MAJORITY: FOR EXAMPLE, THE SUPPORT OF NOT LESS THAN TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE COUNCIL MIGHT BE REQUIRED. THERE MIGHT BE SPECIAL CASES FOR WHICH IT WOULD BE PROVIDED THAT SOME OTHER SPECIAL MAJORITY SHOULD BE NECESSARY OR EVEN THAT A DECISION REQUIRED THE UNANIMOUS ENDORSEMENT OF THE COUNCIL.

COUNCIL OF MINISTERS

9. THE COUNCIL OF MINISTERS WOULD PRESUMABLY CONSIST OF APPROXIMATELY THE SAME NUMBER OF MINISTERS AS THERE ARE AT PRESENT DEPARTMENTS OF GOVERNMENT IN RHODESIA, THOUGH THE NUMBER MIGHT BE INCREASED, OR DECREASE, IF IT WERE THOUGHT DESIRABLE TO SPLIT, OR ALTERNATIVELY TO AMALGAMATE, SOME EXISTING MINISTRIES. THE EXACT NUMBER, AND THE PROPORTION OF AFRICAN TO EUROPEAN MEMBERS, WOULD BE A MATTER TO BE AGREED AT THE PRESENT CONFERENCE AND WOULD NOT BE ALTERED DURING THE TRANSITIONAL PERIOD. ONE OF THE AFRICAN MEMBERS WOULD BE APPOINTED AS PRIME MINISTER. THE INITIAL SELECTION OF PERSONS

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TO BE THE PRIME MINISTER AND OTHER MINISTERS WOULD BE MADE AT THE PRESENT CONFERENCE. BUT, IT WOULD BE FOR THE PRIVY COUNCIL TO MAKE THE FORMAL APPOINTMENTS AS ITS FIRST ACT AS SOON AS THE TRANSITIONAL GOVERNMENT WAS ESTABLISHED.

10. IT WOULD BE NECESSARY TO PROVIDE FOR THE TENURE OF OFFICE OF MINISTERS AND FOR THE FILLING OF CASUAL VACANCIES. THOUGH THE COUNCIL OF MINISTERS WOULD BE LARGELY COMPOSED OF MEMBERS OF POLITICAL PARTIES OR GROUPINGS, THE MEMBERS OF THAT COUNCIL WOULD NOT BE IN A PRECISELY COMPARABLE POSITION TO THAT OF THE LEADING MEMBERS OF THEIR PARTIES OR GROUPINGS WHO FORMED THE PRIVY COUNCIL, AND IT MIGHT NOT BE DESIRABLE THAT EVERY ONE OF THEM SHOULD CONTINUE IN OFFICE THROUGHOUT THE LIFETIME OF THE TRANSITIONAL GOVERNMENT. IT IS THEREFORE SUGGESTED THAT THE PRIVY COUNCIL SHOULD BE ABLE TO REMOVE A MINISTER IF AND WHEN

THAT BECAME NECESSARY, AND IT WOULD ALSO NEED THE POWER TO REPLACE A MINISTER WHO WAS REMOVED (OR WHO DIED OR RESIGNED). THE REPLACEMENT WOULD OF COURSE HAVE TO BE A MEMBER OF THE SAME COMMUNITY. BEFORE DECIDING TO REMOVE A MINISTER OTHER THAN THE PRIME MINISTER, OR TO APPOINT A REPLACEMENT, THE PRIVY COUNCIL WOULD BE OBLIGED TO CONSULT THE PRIME MINISTER. ANY SUCH DECISION WOULD NEED TO BE TAKEN BY A PRESCRIBED SPECIAL MAJORITY.

11. THERE WOULD PROBABLY HAVE TO BE PROVISION FOR A QUORUM FOR THE MEETINGS OF THE COUNCIL OF MINISTERS. ONE POSSIBLE ARRANGEMENT WOULD BE TO REQUIRE ALL DECISIONS TO BE TAKEN IN THE PRESENCE, AND WITH THE CONCURRENCE, OF A SPECIFIED PROPORTION (SAY ONE-HALF) OF ALL THE AFRICAN MINISTERS AND A SIMILAR PROPORTION OF ALL THE EUROPEAN MINISTERS.

12. AS IN THE CASE OF ANY MINISTERIAL BODY, THE ORGANISATION OF THE BUSINESS OF THE COUNCIL OF MINISTERS WOULD BE THE RESPONSIBILITY OF THE PRIME MINISTER AND IT WOULD BE HE WHO WOULD SUMMON MEETINGS AND PROPOSE THE AGENDA FOR MEETINGS. BUT ANY MINISTER WOULD HAVE THE RIGHT TO REQUIRE A MEETING TO BE SUMMONED TO DISCUSS A PARTICULAR MATTER OR TO HAVE THAT MATTER INSCRIBED ON THE AGENDA OF THE NEXT MEETING.

#### LEGISLATIVE FUNCTIONS

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13. GIVEN THE NEED FOR A SIMPLE AND EXPEDITIOUS PROCEDURE FOR MAKING LAWS DURING THE TRANSITIONAL PERIOD, IT IS SUGGESTED THAT THE POWER TO MAKE LAWS SHOULD BE VESTED IN THE PRIVY COUNCIL AS THE PRIMARY LEGISLATIVE BODY. IT SHOULD BE EMPOWERED TO MAKE LAWS (CORRESPONDING TO THE ORDINANCES OR ACTS OF A NORMAL LEGISLATURE) FOR "THE PEACE, ORDER AND GOOD GOVERNMENT OF RHODESIA", I.E. A PLENARY POWER OF LEGISLATION ON ALL TOPICS SO FAR AS IS CONSISTENT WITH RHODESIA'S STATUS BEFORE INDEPENDENCE.

14. HOWEVER, SINCE THE COUNCIL OF MINISTERS WOULD BE THE BODY WHICH WOULD BE PRIMARILY RESPONSIBLE FOR THE FORMULATION OF POLICY IN THE DAY-TO-DAY GOVERNMENT OF RHODESIA AND WHICH WOULD

ALSO BE RESPONSIBLE FOR THE IMPLEMENTATION OF LEGISLATION, IT IS CLEARLY DESIRABLE THAT IT SHOULD HAVE A SIGNIFICANT ROLE IN THE MAKING OF LAWS. IT IS THEREFORE SUGGESTED THAT PROPOSALS FOR LEGISLATION TO BE MADE BY THE PRIVY COUNCIL SHOULD BE INITIATED BY THE COUNCIL OF MINISTERS AND THAT THE PRIVY COUNCIL SHOULD NOT BE ABLE TO PROCEED EXCEPT ON THE BASIS OF SUCH PROPOSALS. THE PRIVY COUNCIL WOULD BE EMPOWERED TO SUGGEST AMENDMENTS. IF IT DID SO, THE AMENDMENTS WOULD BE INCORPORATED UNLESS THEY WERE REJECTED BY THE COUNCIL OF MINISTERS. IT WOULD BE NECESSARY TO DEVISE SOME PROCEDURE FOR REGULATING THE EXTENT TO WHICH THE PRIVY COUNCIL COULD INSIST ON ITS AMENDMENTS. IN THE PARTICULAR LIMITED FIELDS IN WHICH THE PRIVY COUNCIL HAD DIRECT RESPONSIBILITY (SEE PARAGRAPH 18 BELOW) IT WOULD CLEARLY NOT BE RIGHT FOR THE COUNTRCOUNCIL OF MINISTERS TO BE ABLE TO OVERRRIDE THE PRIVY COUNCIL.

15. WHILE THE PRIVY COUNCIL WOULD BE THE PRIMARY LEGISLATURE, IT MIGHT BE AUTHORISED TO DELEGATE TO THE COUNCIL OF MINISTERS A POWER TO LEGISLATE ON PARTICULAR TOPICS. IT WOULD BE FOR THE PRIVY COUNCIL TO DETERMINE FROM TIME TO TIME WHAT THE TOPICS SHOULD BE. SUBJECT TO ANY RESTRICTIONS OR CONDITIONS ATTACHED TO THE DELEGATION, THIS DELEGATED POWER WOULD ALSO BE A PLENARY POWER TO LEGISLATE ON THE TOPICS IN QUESTION.

#### EXECUTIVE FUNCTIONS

16. THE COUNCIL OF MINISTERS WOULD BE THE PRINCIPAL EXECUTIVE ORGAN OF GOVERNMENT. IT WOULD FUNCTION ON THE BASIS OF COLLECTIVE MINISTERIAL RESPONSIBILITY BUT THIS WOULD NOT  
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PRECLUDE INDIVIDUAL MINISTERS BEING CHARGED WITH RESPONSIBILITY FOR PARTICULAR TOPICS AND DEPARTMENTS OF GOVERNMENT, I.E. THEY WOULD HAVE INDIVIDUAL PORTFOLIOS.

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FOR AF - EDMONDSON FROM WISNER

17. THE ALLOCATION OF PORTFOLIOS TO INDIVIDUAL MINISTERS WOULD BE THE RESPONSIBILITY OF THE PRIVY COUNCIL AND DECISIONS ON THAT MATTER WOULD REQUIRE THE SUPPORT OF A PRESCRIBED SPECIAL MAJORITY IN THE PRIVY COUNCIL. BEFORE ALLOCATING OR CHANGING PORTFOLIOS, THE PRIVY COUNCIL WOULD BE REQUIRED TO CONSULT THE PRIME MINISTER. AGAIN, THE INITIAL ALLOCATION OF PORTFOLIOS WOULD BE A MATTER TO BE AGREED AT THE PRESENT CONFERENCE.

18. CERTAIN PARTICULAR RESPONSIBILITIES IN THE EXECUTIVE FIELD WOULD, HOWEVER, BE RESERVED TO THE PRIVY COUNCIL ITSELF. THE MATTERS THUS RESERVED WOULD BE -

(A) THE WORKING-OUT OF THE INDEPENDENCE CONSTITUTION AND THE IMPLEMENTATION OF THE MEASURES NECESSARY TO ENABLE IT TO BE BROUGHT INTO OPERATION AT THE AGREED TIME, INCLUDING ORGANISING AND SUPERVISING THE HOLDING OF ELECTIONS;

(B) DEFENCE;

(C) INTERNAL SECURITY; AND

(D) (SO FAR AS COMPATIBLE WITH RHODESIA'S STATUS BEFORE INDEPENDENCE) EXTERNAL AFFAIRS.

19. THIS RESERVATION TO THE PRIVY COUNCIL OF RESPONSIBILITY  
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FOR CERTAIN MATTERS WOULD BE WITHOUT PREJUDICE TO THE COUNCIL'S RIGHT TO DELEGATE RESPONSIBILITY FOR PARTICULAR ASPECTS OF THOSE MATTERS TO INDIVIDUAL MINISTERS OR GOVERNMENT DEPARTMENTS OR TO THE CONFERMENT OF PARTICULAR FUNCTIONS IN RELATION TO THOSE MATTERS ON INDIVIDUAL MINISTERS OR GOVERNMENT DEPARTMENTS. IN EFFECT, THEREFORE, INDIVIDUAL MINISTERS COULD BE ALLOCATED PORTFOLIOS IN RESPECT OF THOSE MATTERS. ANY SUCH DELEGATED AUTHORITY WOULD BE EXERCISED SUBJECT TO THE GENERAL OVERSIGHT OF THE PRIVY COUNCIL. THE PRIVY COUNCIL WOULD ALSO BE EMPOWERED TO GIVE DIRECTIVES TO ANY MINISTER OR DEPARTMENT SO FAR AS MIGHT

BE NECESSARY FOR THE DISCHARGE OF THE COUNCIL'S OWN RESPONSIBILITY  
IN REALTION TO A RESERVED MATTER.

20. THE PRIVY COUNCIL WOULD ALSO BE RESPONSIBLE FOR APPOINTING  
PERSONS TO SERVE IN CERTAIN SENIOR OFFICES IN THE CIVIL SERVICE,  
THE ARMED FORCES AND THE POLICE, AND FOR THE REMOVAL OF PERSONS  
FROM SUCH OFFICES. IN EXERCISING THOSE FUNCTIONS THE PRIVY  
COUNCIL WOULD BE REQUIRED TO TAKE ITS DECISIONS BY A PRESCRIBED  
SPECIAL MAJORITY. AS EXPLAINED IN PARAGRAPH 24 BELOW, THIS IS  
A MATTER IN WHICH THE CHAIRMAN OF THE PRIVY COUNCIL WOULD,  
EXCEPTIONALLY, ACT IN A CAPACITY GOING BEYOND THAT OF A MERE  
CHAIRMAN AND WOULD DO SO IN HIS DISCRETION. THE PRIVY COUNCIL  
WOULD ALSO BE CHARGED WITH THE EXERCISE OF THE PREROGATIVE OF  
MERCY.

21. BOTH BECAUSE OF THE RESPONSIBILITIES RESERVED TO TI  
IN RESPECT OF PARTICULAR BRANCHES OF THE EXECUTIVE GOVERNMENT  
AND BECAUSE OF ITS OVERALL RESPONSIBILITY FOR SUPERINTENDING  
THE PROCESS OF BRINGING INDEPENDENCE AND MAJORITY RULE TO  
RHODESIA BY THE AGREED DATE, IT WOULD BE NECESSARY TO PROVIDE  
EXPRESSLY THAT THE PRIVY COUNCIL SHOULD HAVE THE RIGHT TO BE  
KEPT INFORMED AND CONSULTED BY THE COUNCIL OF MINISTERS CONCERNING  
THE DISCHARGE OF THE LATTER'S FUNCTIONS AND THOSE OF INDIVIDUAL  
MINISTERS.

NATIONAL SECURITY GQARD

22. TO FACILITATE THE DISCHARGE BY THE PRIVY COUNCIL OF ITS  
RESPONSIBILITIES FOR DEFENCE AND INTERNAL SECURITY AND IN  
ORDER TO ASSOCAITE THE COUNCIL OF MINISTERS WITH THE FORMULATION  
AND IMPLEMENTATION OF POLICY IN THESE FIELDS, THE INSTRUMENT  
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ESTABLISHING THE TRANSITIONAL GOVERNMENT MIGHT SET UPHA NATIONAL  
SECURITY COUNCIL. THIS WOULD CONSIST OF THE MEMBERS OF THE  
RPIVY COUNCIL TOGETHER WITH THE PRIME MIMINSTER AND ANY OTHER  
MEMBERS OF THE COUNCIL OF MINISTERS WHO HAD BEEN ALLOCATED  
PORTFOLIOS EMBRACING RESPONSIBILITY FOR DEFENCE AND INTERNAL  
SECURITY: SEE PARAGRAPH 19 ABOVE. VOTING PROCEDURES IN THE  
NATIONAL SECURITY COUNCIL WOQLD BE THE SAME AS IN THE PRIVY  
COUNCIL. THE PRIME MINISTER AND OTHER MINISTERS WOULD NOT  
HAVE A VOTE. THE CHAIRMAN OF THE PRICY COUNCIL WOULD PRESIDE  
OVER THE NATIONAL SECURITY COUNCIL AND, IN THAT CAPACITY, WOULD  
HAVE A SPECIAL THOUGH LIMITED ROLE OVER AND ABOVE THAT OF MERELY  
PRESIDING AT ITS MEETINGS: SEE PARAGRAPH 24 BELOW.

23. THE CHIEFS OF STAFF OF THE ARMED FORCES AND THE COMMISSIONER  
OF POLICE WOULD BE DIRECTLY RESPONSIBLE TO THE NATIONAL SECURITY  
COUNCIL. THE COUNCIL WOULD BE EMPOWERED TO GIVE THEM GENERAL  
DIRECTIONS OF POLICY WITH REGARD TO THE MAINTENANCE OF PUBLIC



SAFETY AND ORDER AND, GENERALLY, WITH RESPECT TO THE ORGANISATION  
AND EMPLOYMENT OF THE FORCES UNDER THEIR COMMAND.

SPECIAL POWERS OF THE CHAIRMAN OF THE PRIVY COUNCIL

24. AS INDICATED ABOVE, THE CHAIRMAN OF THE PRIVY  
COUNCIL WOULD IN GENERAL ACT IN A PURELY PRESIDING CAPACITY AND,  
TO THE EXTENT THAT FUNCTIONS WERE CONFERRED ON HIM BY LAW,  
WOULD EXERCISE THEM AS DIRECTED BY THE COUNCIL, IN WHOSE  
DECISIONS HE WOULD HAVE NO BOTE. BUT THERE WOULD BE THREE SPECIFIC  
MATTERS IN WHICH HE WOULD PLAY A MORE INDEPENDENT ROLE:

(A) IN PRESIDING OVER MEETINGS OF THE PRIVY COUNCIL  
WHICH WERE CONCERNED WITH THE WORKING OUT OF THE  
INDEPENDENCE CONSTITUTION AND RELATED MATTERS (SEE  
PARAGRAPH 18(A) ABOVE), HE WOULD BE ENTITLED  
TO ACT ON HIS OWN INITIATIVE, AND NOT MERELY AS A  
FIGURE-HEAD OR PRESIDING OFFICER, IN RESOLVING  
DIFFERENCES OF OPINION AND SEEKING SOLUTIONS TO PROBLEMS.  
HE WOULD ALSO REPRESENT THE VIEWS OF THE BRITISH  
GOVERNMENT IN THIS MATTER.

(B) DECISIONS BY THE PRIVY COUNCIL CONCERNING APPOINTMENTS  
AND REMOVAL FROM OFFICE OF CERTAIN SENIOR OFFICERS  
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IN THE CIVIL SERVICE, THE ARMED FORCES AND THE POLICE  
(SEE PARAGRAPH 20 ABOVE) WOULD NOT MERELY REQUIRE  
THE PRESCRIBED SPECIAL MAJORITY OF THE MEMBERS OF  
THE COUNCIL BUT ALSO THE CONCURRENCE OF THE CHAIRMAN  
OF THE COUNCIL, ACTING IN THIS CASE IN HIS DISCRETION.

(C) THE CHAIRMAN OF THE PRIVY COUNCIL WOULD BE ENTITLED,  
ACTING IN HIS DISCRETION, TO SUMMON A MEETING OF  
THE NATIONAL SECURITY COUNCIL ON HIS OWN INITIATIVE  
WHETHER HE CONSIDERED IT DESIRABLE THAT THE COUNCIL  
SHOULD CONSIDER ANY SITUATION WHICH HE REGARDED AS  
LIKELY TO ENDANGER LAW AND ORDER. WHEN PRESIDING  
OVER MEETINGS OF THE NATIONAL SECURITY COUNCIL, THE  
CHAIRMAN OF THE PRIVY COUNCIL WOULD, AS USUAL, NOT  
HAVE AN ORIGINAL VOTE BUT HE WOULD BE ENTITLED TO  
EXERCISE A CASTING VOTE IF THE VOTES OF THE OTHER  
MEMBERS WERE EVENLY DIVIDED.

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